REMARKS

Claims 1-19 are currently pending in the patent application. The Examiner has rejected all of the claims under 35 USC 102(e) as anticipated by the Raith patent. For the reasons set forth below, Applicants respectfully assert that the invention as claimed in the amended claims is patentable over the cited art.

The present invention is directed to detecting a change in a communication session, where the change is the result of a new node or group of nodes entering into the communication session. The new node or nodes introduces signals into the communication session which result in interference with, or a deterioration of the signal strength in, the signals of the existing session. Accordingly, the present invention provides for an apparatus and method for at least one node which is participating in the communication session to monitor signal strength (Claims 1-4, 9-13, 15-17 and 19) or signal interference (Claims 5-8, 14, and 18) as an indication of the appearance of a new radio station in the communication session. Based on the results of the monitoring and a comparison to a predetermined reference, the present invention either initiates a search for the new radio station (Claims 1-8, 13-14, and 17-18) or alters the frequency at which monitoring is conducted (Claims 9, 15-16, and 19).

In contrast, the Raith patent is directed to a proximity detector in a mobile station which is provided to recognize

proximity signals from a proximity system. If the proximity system informs the mobile device of the presence of the proximity system, then the mobile device institutes a search to locate a predetermined control channel in the system over which the mobile device can communicate (Col. 2, lines 44-49 and Col. 3, lines 6-14). Applicants respectfully assert that the Raith patent does not teach or suggest the invention as claimed.

The Raith patent teaches that the mobile device has a proximity sensor, whereas the present invention claims an apparatus and method for at least one node participating in a communication session to perform steps to determined if a search should be initiated or if the frequency of searching should be altered. While Raith has the mobile device detecting signals, the present invention recognizes that the mobile device introduces interfering signals to the communication session and provides for detection of the interference signals or detection of a deterioration of the signal strength in the communication session. In addition, the Raith patent teaches that the proximity system "informs" the mobile device of its presence, while the present invention does not provide for the nodes of a communication session to seek out mobile devices. The present application expressly teaches that such continual seeking or "informing" by the nodes in a communication session drains the session and is undesirable. It is for that reason that the inventive system was developed to only initiate a search when

signal monitoring indicates that a search is necessary. Finally, the Raith mobile station may, upon being informed of the presence of a proximity system, search for a predefined control channel, receive control channel information transferred from the proximity system, or receive identifying information from the proximity system which would negate an access attempt (see: e.g., Col. 3, lines 34-38, Col. 6, lines 10-35, and Col. 7, lines 49-53). In contrast, the present invention initiates a communication session-based search for at least one new radio station or alters the frequency of such searching based on its signal monitoring. Clearly the Raith patent does not anticipate the claimed invention since Raith is directed to providing different information (i.e., continually emitted proximity signals) to a different device (i.e., the proximity detector of mobile device) for a different purpose (i.e., to lock onto a predefined control channel).

It is well established under U. S. Patent Law that, for a reference to anticipate claim language under 35 USC 102, that reference must teach each and every claim feature. Since the Raith patent does not teach an apparatus and method for an apparatus in at least one node participating in a communication session for initiating a search for a radio station during a communication session, does not teach the communication session apparatus detecting the strength of the communication signal or detecting interference signals, does not teach comparing the

detected signal information to a predetermined reference, and does not teach generating a initiation signal to initiate a search or to alter the frequency of searching when the detected signal information indicates the appearance of a new radio station, it cannot be maintained that the Raith patent anticipates the invention as claimed. Accordingly, Applicants respectfully request withdrawal of the anticipation rejections based on the Raith patent.

Based on the foregoing amendments and remarks, Applicants respectfully request entry of the amendments, reconsideration of the amended claim language in light of the remarks, withdrawal of the rejections, and allowance of the claims.

Respectfully submitted,

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